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February 26, 2021

VIA ECF

The Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

**Re: *Cengage Learning, Inc., et al. v. Ielisevych, et al.*,
Case No. 18-cv-7382-VM**

Dear Judge Marrero:

We represent Plaintiffs Pearson Education, Inc., McGraw Hill LLC, formerly McGraw-Hill Global Education Holdings, LLC,¹ Bedford, Freeman & Worth Publishing Group, LLC, and Cengage Learning, Inc. (“Plaintiffs”) in the above-referenced action. We write to seek leave to file under seal Plaintiffs’ Proposed Default Judgment and Permanent Injunction Order and Exhibit 4 to the Declaration of Matthew I. Fleischman (the “Redacted Documents”). Plaintiffs will file a redacted version of the Redacted Documents on ECF, which will include all of the contents except the financial account numbers contained therein.

Plaintiffs’ sealing request should be granted because this Appendix contains Defendants’ full financial account numbers. Federal Rule of Civil Procedure 5.2(a)(4) mandates that, unless the Court orders otherwise, financial account numbers should be redacted. Plaintiffs seek to include the full account numbers under seal in the Redacted Documents in order to ensure that the financial institutions to which they provide the order can identify the relevant accounts.

Based on the above, the continuum that the Court applies, and the balancing of interests, Plaintiffs have overcome the presumption of a public filing. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). Indeed, the only information that is withheld from the public is the Defendants’ financial account numbers. This, by its nature, is private information as to the account holder, and is not the type of information that sealing will impact the judicial process or deprive the public of needed information. *See id.*

¹ On January 1, 2020, McGraw Hill LLC became the successor in interest to McGraw-Hill Global Education Holdings, LLC.

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Plaintiffs are aware that, absent an order granting this sealing request, the Redacted Documents will become public.

Thank you for the Court's consideration of this request.

Respectfully submitted,

/s/ Matthew I. Fleischman

The request is granted. Plaintiffs are hereby authorized to file under seal Plaintiffs' Proposed Default Judgment and Permanent Injunction Order and Exhibit 4 to the Declaration of Matthew I. Fleischman as described herein.

SO ORDERED.

3/1/2021

DATE


VICTOR MARRERO, U.S.D.J.